



THOMAS M. SOBOL  
TOM@HBSSLAW.COM

HAGENS BERMAN  
SOBOL SHAPIRO LLP

November 17, 2006

By CM/ECF E-FILING

Honorable Patti B. Saris  
U.S. District Court  
District of Massachusetts  
John Joseph Moakley US Courthouse  
One Courthouse Way,  
Courtroom 19, 7<sup>th</sup> Floor  
Boston, MA 02210

Re: New England Carpenters Health Benefits Fund, et al v. First DataBank, Inc., et al  
Civil Action No. 05-CV-11148

Dear Judge Saris:

This letter is to respond to the letter dated November 13, 2006 by Brien T. O'Connor.

Without acknowledging any standing on the part of Express Scripts, Inc. ("Express Scripts"), this letter is to advise you that the parties to the Settlement Agreement will address the issue raised by Mr. O'Connor at the time we next supplement the record.

Very truly yours,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Thomas M. Sobol